

AN ORDINANCE **9 8 9 3 8**

AUTHORIZING AND CONSENTING TO THE ASSIGNMENT OF THE CONCESSION AGREEMENT WITH FAMIGLIA INTERNATIONAL, INC., KNOWN AS, FAMOUS FAMIGLIA, AUTHORIZED BY ORDINANCE NO. 95351 OF FEBRUARY 22, 2002 FROM FAMIGLIA INTERNATIONAL, INC. TO FD LEASING GROUP, L.L.C. FOR TERMINAL ONE CONCESSION AGREEMENT NO. 133012 SPACE 124 LOCATED IN TERMINAL ONE AT SAN ANTONIO INTERNATIONAL AIRPORT.

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WHEREAS, the City of San Antonio is the owner in fee simple of the San Antonio International Airport in the City of San Antonio, Bexar County, Texas; and

WHEREAS, Concession No. 133012 for Space 124 in Terminal One at San Antonio International Airport was authorized by Ordinance No. 95351 dated February 22, 2002; and

WHEREAS, the formation of FD Investment Group, L.L.C. and investment by the DeBartolo Group will greatly improve the financial strength of the Concessionaire; and

WHEREAS, Famiglia International, Inc. has requested that Concession Agreement No. 133012 Space 124 be assigned to FD Leasing Group, L.L.C.; and

WHEREAS, it is in the best interest of the city to authorize and consent to this assignment;
NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee is hereby authorized to execute the Assignment and Assumption Agreement for San Antonio International Airport Concession Agreement No. 133012 Terminal One Concession Space 124 attached hereto and incorporated herein by reference for all purposes as Attachment 1, which approves the assignment of the Concession Agreement No. 133012 Terminal One Concession Space 124 from Famiglia International, Inc. known as Famous Famiglia, to FD Leasing Group, L.L.C. at San Antonio International Airport.

SECTION 2. The Assigned Standard Concession Agreement with Famiglia International, Inc., known as, Famous Famiglia provides for the operation of New York Style Pizza Restaurant facility in Terminal 1, in a space of approximately 763± square feet for a term of seven (7) years.

The Concessionaire will pay the City the greater of 13% of gross revenues per year for years one (1) through seven (7) or a Minimum Annual Guarantee of \$78,000 per year for the first two (2) years, \$82,680 per year for year three (3) and \$87,640 per year for the remaining four (4) years of the term.

SECTION 3. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. The proceeds of the Agreements shall be deposited into Fund 51-00100 entitled "AIRPORT OPERATIONS & MAINTENANCE ACCOUNT", Index Code No. 036012 entitled "AIRPORT-FOOD & BEVERAGE".

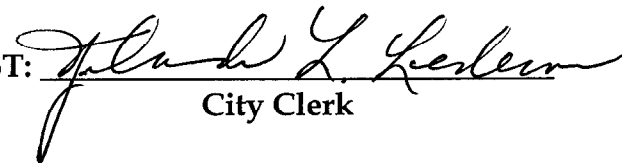
SECTION 5. This Ordinance shall be effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 11th day of March, 2004.

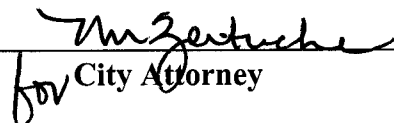


M A Y O R
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney